

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

ALLEN BINSTOCK, etc.,

Applicant,

v.

FREEDOM EMPLOYMENT  
SERVICES, LLC,

Respondent.

CASE NO. 3:19 MC 4

JUDGE JEFFREY HELMICK

ANSWER OF  
FREEDOM EMPLOYMENT SERVICES

GORANSON PARKER & BELLA  
BY: Christopher F. Parker  
(0009338)  
405 Madison Avenue, Suite 2200  
Toledo, Ohio 43604  
(419) 244-9500 -- telephone  
(419) 244-9510 -- telecopier  
[cparker@gpblaw.com](mailto:cparker@gpblaw.com) - e-mail

COUNSEL FOR RESPONDENT  
FREEDOM EMPLOYMENT SERVICES

\* \* \* \* \*

Now comes Respondent, Freedom Employment Services, LLC, by and through counsel, and for its Answer to the Application for an Order Enforcing a Subpoena *Duces Tecum* (the "Application"), states as follows:

1. Respondent admits that it is located at 2620 Centennial Road, Suite C, Toledo, Lucas County, Ohio. All remaining allegations in paragraph 1 of the Application are denied for want of knowledge.

2. Respondent denies for want of knowledge all allegations contained in paragraph 2 of the Application.

3. Respondent denies for want of knowledge all allegations contained in paragraph 3 of the Application.

4. Respondent states that it supplied temporary employees to Midwest Terminals from time to time at the request of Midwest Terminals. Respondent denies for want of knowledge all remaining allegations contained in paragraph 4 of the Application.

5. Respondent admits that it received a subpoena *duces tecum*, but it denies all remaining allegations contained in paragraph 5 of the Application.

6. Respondent states that the subpoena *duces tecum* speaks for itself. All allegations in paragraph 6 of the Application and its sub-parts that differ from the subpoena are denied. All remaining allegations contained in paragraph 6 of the Application, and the sub-parts contained therein, are denied for want of knowledge.

7. Respondent admits that it received the subpoena through its registered agent and that its registered agent signed the green card. All remaining allegations contained in paragraph 7 of the Application are denied for want of knowledge.

8. Respondent admits the allegations contained in paragraph 8 of the Application, although the conference with counsel referenced in paragraph 8 of the Application was not with current counsel for Respondent.

9. Respondent states that it did not timely respond to the subpoena, although its failure to respond was not in any fashion a willful disregard of the subpoena powers of the Applicant. Instead, the failure was due to concerns with disclosing private and confidential information and proprietary information, issues that current counsel for Respondent has resolved. All remaining allegations contained in paragraph 9 of the Application are denied for want of knowledge.

10. Respondent denies all allegations of contumacious conduct and further denies all remaining allegations in paragraph 10 of the Application.

11. Respondent has responded to the subpoena and has produced documents that have been requested by Applicant. Respondent respectfully submits that it has cured the alleged wrongdoing and it will continue to cooperate, to the extent it is able, with Applicant.

#### FIRST AFFIRMATIVE DEFENSE

12. Respondent believed in good faith that any failure to timely respond to the Applicant's subpoena was due to privacy and confidentiality concerns and with claims of proprietary information associated with items requested by Applicant. Any failure to timely respond was not due to any willful disregard of Applicant's subpoena.

WHEREFORE, Respondent Freedom Employment Services, LLC prays that the Application be dismissed and that it go hence without cost.

Respectfully submitted,

/s/ Christopher F. Parker  
Christopher F. Parker

#### CERTIFICATION

This is to certify that a copy of the foregoing was sent by the United States District Court's electronic filing system this 1st day of April, 2019 to Kelly Freeman, Esq., National Labor Relations Board Region 8, 1240 East 9<sup>th</sup> Street, Room 1695, Cleveland, Ohio 44119-2086.

/s/ Christopher F. Parker  
Christopher F. Parker